



03-28-03

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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Hampden-Smith et al.

Serial No.: 09/815,380

Filed: March 22, 2001

Confirmation No.: 3937

Atty. File No.: 41890-01470

For: "ELECTROCATALYST POWDERS,  
METHODS FOR PRODUCING POWDERS  
AND DEVICES FABRICATED FROM  
SAME"

Group Art Unit: 1755

Examiner: Hailey

INFORMATION DISCLOSURE STATEMENT

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## CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH  
THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL LABEL NO. EL  
912459694 US IN AN ENVELOPE ADDRESSED TO COMMISSIONER OF  
PATENTS AND TRADEMARKS, WASHINGTON, DC 20231-9999 ON 03/27/03.

MARSH-FISCHMANN &amp; BREYFOGLE LLP

BY:

*Lynn Pennywell*  
Lynn Pennywell

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby provides a copy of each of the documents identified on the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application.

This Information Disclosure Statement is being filed after the period specified in 37 CFR § 1.97(b) and is accompanied by the fees set forth in 37 CFR § 1.17(p). The Assistant Commissioner is authorized to charge and credit Deposit Account No. 50-1419 for any deficiencies or overpayment.


The enclosed Information Disclosure Statement discloses a number co-pending and commonly owned U.S. Patent Applications. For the convenience of the Examiner, the following is a summary of the information provided with respect to these applications.

1. U.S. Patent Application Serial No. 09/668,947 is a Divisional Application from U.S. Patent No. 6,338,809 cited herein. Therefore, only the pending claims of this application are enclosed.
2. U.S. Patent Application Serial No. 09/668,805 is a Divisional Application from U.S. Patent No. 6,277,169, cited herein. Therefore only the claims of this application (now allowed) are enclosed.
3. U.S. Patent Application Serial No. 09/668,441 is a Divisional Application of U.S. Patent No. 6,165,247, which is of record with respect to the present application. Therefore, only the claims of this application are enclosed.
4. U.S. Patent Application Serial Nos. 10/209,234; 10/209,342; 10/209,343; and 09/636,732 are Divisional or Continuation Applications from U.S. Patent No. 6,103,393, previously cited. Therefore, only the claims of these applications are enclosed.
5. U.S. Patent Application Serial Nos. 10/210,597 and 10/210,600 are Divisional or Continuation Applications of U.S. Patent Application Serial No. 09/532,917, which is of record with respect to the present application. Therefore, copies of the specification are not enclosed.
6. With respect to U.S. Patent Application Serial No. 09/586,151, this is a Divisional Application of U.S. Patent Application Serial No. 09/030,051 for which a copy of the specification is enclosed. Therefore, applicants have only enclosed a copy of the pending claims for this application.
7. With respect to U.S. Patent Application Serial No. 09/659,638, this is a Divisional Application of U.S. Patent No. 6,165,247, which is of record with respect to the present application. Therefore, applicants have only enclosed the pending claims of this application.
8. U.S. Patent Application Serial No. 10/297,528 is the National Stage of WO 01/93999. Therefore, Applicants have enclosed a copy of the international application.
9. U.S. Patent Application Serial Nos. 10/212,991; 10/213,116; and 10/213,001 are Continuation Applications from the present application, and therefore no specification is enclosed.
10. For the remaining applications, a copy of the pending claims has been attached to the original specification.

If the Examiner requires any additional information with respect to any of these applications or cited patents, the Examiner is invited to contact Applicants undersigned representative.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

David F. Dockery


Registration No. 34,323

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(303) 338-0997

Date: March 27, 2003

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| <div style="text-align: center;">  <p><b>INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p> <p style="font-size: 1.5em;">Attach #10</p> </div> | ATTY DOCKET NO.<br><b>41890-0147</b>        | SERIAL NO.<br><b>09/814,380</b> |
|  | APPLICANT(S)<br><b>Hampden-Smith et al.</b> |                                 |
|  | FILING DATE<br><b>March 22, 2001</b>        | GROUP<br><b>1755</b>            |

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | 1.  | DOCUMENT NUMBER | DATE     | NAME                 | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----|-----------------|----------|----------------------|-------|----------|-------------------------------|
|                      | 1.  | 3,803,708       | 04/16/74 | Wada et al.          | 29    | 620      |                               |
|                      | 2.  | 3,816,097       | 06/11/74 | Daiga                | 75    | .5       |                               |
|                      | 3.  | 3,956,014       | 05/11/76 | Landsman et al.      | 136   | 86       |                               |
|                      | 4.  | 3,961,987       | 06/08/76 | Mund et al.          | 136   | 86       |                               |
|                      | 5.  | 4,052,336       | 10/04/77 | van Montfoort et al. | 252   | 447      |                               |
|                      | 6.  | 4,113,921       | 09/12/78 | Goldstein et al.     | 429   | 27       |                               |
|                      | 7.  | 4,136,059       | 01/23/79 | Jalan et al.         | 252   | 447      |                               |
|                      | 8.  | 4,140,817       | 02/20/79 | Brown                | 427   | 96       |                               |
|                      | 9.  | 4,172,733       | 10/30/79 | Moritsu et al.       | 106   | 1.15     |                               |
|                      | 10. | 4,185,145       | 01/22/80 | Breault              | 429   | 34       |                               |
|                      | 11. | 4,214,970       | 07/29/80 | Spaziante et al.     | 204   | 265      |                               |

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**FOREIGN PATENT DOCUMENTS**


| 1. | 2.  | DOCUMENT NUMBER | DATE     | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|----|-----|-----------------|----------|---------|-------|----------|-------------|----|
|    |     |                 |          |         |       |          | YES         | NO |
|    | 47. | 0 331 009       | 02/23/89 | Europe  |       |          |             |    |
|    |     |                 |          |         |       |          |             |    |
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|    |     |                 |          |         |       |          |             |    |
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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

|     |   |
|-----|---|
| 48. | U.S. Patent Application Serial No. 09/668,947 by Hampden-Smith et al. entitled AEROSOL METHOD AND APPARATUS, PARTICULATE PRODUCTS AND ELECTRONIC DEVICES MADE THEREFROM, filed on 09/22/00. |
| 49. | U.S. Patent Application Serial No. 10/279,773 by Hampden-Smith et al., entitled IMPROVED ENERGY DEVICES, filed on 10/24/02.   |

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| <b>EXAMINER</b> | <b>DATE CONSIDERED</b> |
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| <div style="text-align: center;">  <p><b>INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p> <p><b>MAR 27 2003</b></p> </div> | ATTY DOCKET NO.<br><b>41890-01475</b>       | SERIAL NO.<br><b>09/814,380</b> |
|  | APPLICANT(S)<br><b>Hampden-Smith et al.</b> |                                 |
|  | FILING DATE<br><b>March 22, 2001</b>        | GROUP<br><b>1755</b>            |

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE      | NAME     | CLASS          | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|-----------|----------|----------------|----------|-------------------------------|
|                      | 12.             | 4,263,376 | 04/21/81 | Blurton        | 429      | 42                            |
|                      | 13.             | 4,266,977 | 05/12/81 | Steiger        | 106      | 43                            |
|                      | 14.             | 4,391,844 | 07/05/83 | Baczek et al.  | 427      | 44                            |
|                      | 15.             | 4,395,279 | 07/26/83 | Houck          | 75       | 0.5                           |
|                      | 16.             | 4,444,852 | 04/24/84 | Liu et al.     | 429      | 29                            |
|                      | 17.             | 4,476,002 | 10/09/84 | Howard et al.  | 204      | 283                           |
|                      | 18.             | 4,482,641 | 11/13/84 | Wennerberg     | 502      | 182                           |
|                      | 19.             | 4,524,114 | 06/18/85 | Samuels et al. | 429      | 42                            |
|                      | 20.             | 4,569,924 | 02/11/86 | Ozin et al.    | 502      | 184                           |
|                      | 21.             | 4,652,537 | 03/24/87 | Tamura et al.  | 502      | 5                             |
|                      | 22.             | 4,781,995 | 11/01/88 | Giner          | 429      | 13                            |

**FOREIGN PATENT DOCUMENTS**

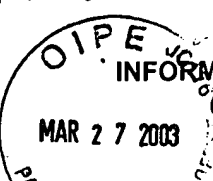
| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
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|                 |      |         |       |          | YES         | NO |
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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

|     |   |
|-----|---|
| 50. | U.S. Patent Application Serial No. 09/668,805 by Hampden-Smith et al. entitled <b>SILVER CONTAINING PARTICLES, METHOD AND APPARTATUS OF MANUFACTURE, SILVER-CONTAINING DEVICES MADE THEREFROM</b> , filed 09/22/00. |
| 51. | U.S. Patent Application Serial No. 09/991,270 by Kudas et al. entitled <b>NICKEL POWDERS</b> filed 11/09/01.  |

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|  <p style="text-align: center;"><b>INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p> <p><b>MAR 27 2003</b></p> | ATTY DOCKET NO.<br><b>41890-0147</b>        | SERIAL NO.<br><b>09/814,380</b> |
|   | APPLICANT(S)<br><b>Hampden-Smith et al.</b> |                                 |
|   | FILING DATE<br><b>March 22, 2001</b>        | GROUP<br><b>1755</b>            |

**U.S. PATENT DOCUMENTS**

| EXAMINER<br>INITIAL |     | DOCUMENT NUMBER | DATE     | NAME              | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----|-----------------|----------|-------------------|-------|----------|-------------------------------|
|                     | 23. | 4,787,964       | 11/29/88 | Gordon et al.     | 204   | 282      |                               |
|                     | 24. | 4,822,410       | 04/18/89 | Matovich          | 75    | 0.5      |                               |
|                     | 25. | 4,970,128       | 11/13/90 | Itoh et al.       | 429   | 42       |                               |
|                     | 26. | 4,970,189       | 11/13/90 | Tachibana         | 502   | 183      |                               |
|                     | 27. | 5,032,242       | 07/16/91 | Knudsen et al.    | 204   | 157.41   |                               |
|                     | 28. | 5,068,161       | 11/26/91 | Keck et al.       | 429   | 44       |                               |
|                     | 29. | 5,120,699       | 06/09/92 | Weiss et al.      | 502   | 185      |                               |
|                     | 30. | 5,318,797       | 06/07/94 | Matijevic et al.  | 427   | 213.31   |                               |
|                     | 31. | 5,338,330       | 08/16/94 | Polizzotti et al. | 75    | 228      |                               |
|                     | 32. | 5,374,598       | 12/20/94 | Stonehart et al.  | 502   | 185      |                               |
|                     | 33. | 5,421,854       | 06/06/95 | Kodas et al.      | 75    | 355      |                               |

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**FOREIGN PATENT DOCUMENTS**


| EXAMINER<br>INITIAL |  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

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|  |  | 52. | U.S. Patent Application Serial No. 09/030,051 by Kodas et al. entitled <b>COPPER POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME</b> , filed on 02/24/98. |
|  |  | 53. | U.S. Patent Application Serial No. 09/659,638 by Kodas et al. entitled <b>PLATINUM POWDERS</b> , filed on 09/12/00.   |

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| <div style="text-align: center;">  <p><b>O.I.P.E. INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p> <p><b>MAR 27 2003</b></p> </div> | ATTY DOCKET NO.<br><b>41890-0147</b>        | SERIAL NO.<br><b>09/814,380</b> |
|   | APPLICANT(S)<br><b>Hampden-Smith et al.</b> |                                 |
|   | FILING DATE<br><b>March 22, 2001</b>        | GROUP<br><b>1755</b>            |

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE      | NAME     | CLASS                | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|-----------|----------|----------------------|----------|-------------------------------|
|                      | 34.             | 5,429,657 | 07/04/95 | Glicksman et al.     | 75       | 351                           |
|                      | 35.             | 5,432,022 | 07/11/95 | Cheiky               | 429      | 27                            |
|                      | 36.             | 5,439,502 | 08/08/95 | Kodas et al.         | 75       | 365                           |
|                      | 37.             | 5,453,169 | 09/26/95 | Callstrom et al.     | 204      | 242                           |
|                      | 38.             | 5,501,915 | 03/26/96 | Hards et al.         | 429      | 42                            |
|                      | 39.             | 5,561,000 | 10/01/96 | Dirven et al.        | 429      | 42                            |
|                      | 40.             | 5,567,662 | 10/22/96 | Dunmead et al.       | 501      | 87                            |
|                      | 41.             | 5,766,788 | 06/16/98 | Inoue et al.         | 429      | 42                            |
|                      | 42.             | 5,843,519 | 12/01/98 | Tada                 | 427      | 115                           |
|                      | 43.             | 5,993,988 | 11/30/99 | Ohara et al.         | 429      | 40                            |
|                      | 44.             | 6,159,267 | 12/12/00 | Hampden-Smith et al. | 75       | 252                           |

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**FOREIGN PATENT DOCUMENTS**

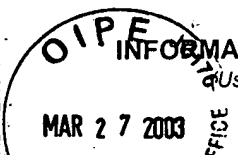
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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

|     |   |
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| 54. | U.S. Patent Application Serial No. 09/698,363 by Kodas et al. entitled <b>GOLD POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME</b> , filed on 10/27/00. |
| 55. | U.S. Patent Application Serial No. 09/927,888 by Hampden-Smith et al. entitled <b>FINE POWDERS FOR USE IN PRIMARY AND SECONDARY BATTERIES</b> , filed on 08/10/01.              |

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|  <p style="text-align: center;"><b>INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p> | ATTY DOCKET NO.<br><b>41890-0147</b>        | SERIAL NO.<br><b>09/814,380</b> |
|   | APPLICANT(S)<br><b>Hampden-Smith et al.</b> |                                 |
|   | FILING DATE<br><b>March 22, 2001</b>        | GROUP<br><b>1755</b>            |

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE      | NAME     | CLASS                | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|-----------|----------|----------------------|----------|-------------------------------|
|                      | 45.             | 6,277,169 | 08/21/01 | Hampden-Smith et al. | 75       | 336                           |
|                      | 46.             | 6,338,809 | 01/15/02 | Hampden-Smith et al. | 264      | 7                             |
|                      |                 |           |          |                      |          |                               |
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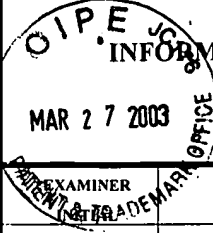
**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

|  |     |   |
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|  | 56. | U.S. Patent Application Serial No. 09/668,441 by Hampden-Smith et al. entitled PALLADIUM-CONTAINING PARTICLES, filed on 09/22/00. |
|  | 57. | U.S. Patent Application Serial No. 10/209,234 by Kudas et al. entitled METAL CARBON COMPOSITE POWDERS, filed on 07/31/02.         |

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|  <p><b>INFORMATION DISCLOSURE CITATION</b><br/>(Use several sheets if necessary)</p>  |  | Docket Number (Optional)<br><b>41890-0147</b>   |  | Application Number<br><b>09/814,380</b> |  |
|  |  | Applicant(s)<br><b>Hampden-Smith et al.</b>   |  |   |  |
|  |  | Filing Date<br><b>March 22, 2001</b>  |  | Group Art Unit<br><b>1755</b>           |  |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)   |  |   |  |   |  |
| 58.  |  | U.S. Patent Application Serial No. 10/209,343 by Kodas et al. entitled METHOD FOR THE PRODUCTION OF METAL-CARBON COMPOSITE POWDERS, filed on 07/31/02.                                    |  |   |  |
| 59.  |  | U.S. Patent Application Serial No. 10/209,342 by Kodas et al. entitled FUEL CELLS AND BATTERIES INCLUDING METAL-CARBON COMPOSITE POWDERS, filed on 07/31/02.                              |  |   |  |
| 60.  |  | U.S. Patent Application Serial No. 10/210,600 by Hampden-Smith et al. entitled METHOD FOR THE PRODUCTION OF ELECTROCATALYST POWDERS, filed on 08/01/02.                                   |  |   |  |
| 61.  |  | U.S. Patent Application Serial No. 10/297,528 by Kodas et al. entitled ELECTROCATALYST POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME, filed on 12/05/02.        |  |   |  |
| 62.  |  | U.S. Patent Application Serial No. 09/636,732 by Kodas et al. entitled METAL CARBON COMPOSITE POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME, filed on 08/10/00. |  |   |  |
| 63.  |  | U.S. Patent Application Serial No. 10/210,597 by Hampden-Smith et al. entitled COMPOSITE PARTICLES FOR ELECTROCATALYTIC APPLICATIONS, filed on 07/31/02.                                  |  |   |  |
| 64.  |  | U.S. Patent Application Serial No. 09/586,151 by Kodas et al. entitled COPPER POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME, filed on 06/02/00.                 |  |   |  |
| 65.  |  | U.S. Patent Application Serial No. 10/212,991 by Hampden-Smith et al. entitled METHOD FOR THE DEPOSITION OF AN ELECTROCATALYST LAYER, filed on 08/05/02.                                  |  |   |  |
| 66.  |  | U.S. Patent Application Serial No. 10/213,116 by Hampden-Smith et al. entitled METHOD FOR FABRICATION MEMBRANE ELECTRODE ASSEMBLIES, filed on 08/05/02.                                   |  |   |  |
| 67.  |  | U.S. Patent Application Serial No. 10/213,001 by Hampden-Smith et al. entitled MEMBRANE ELECTRODE ASSEMBLIES FOR USE IN FUEL CELLS, filed on 08/05/02.                                    |  |   |  |
|  |  |   |  |   |  |
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| EXAMINER   |  | DATE CONSIDERED   |  |   |  |
| <p><b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> |  |   |  |   |  |

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